

`011 patent share a common specification with the `796 patent. Determining the infringement of the `796 patent, the `011 patent, and the `530 patent in the present action would be the best use of this Court's judicial resources.

FED.R.CIV.P. 15(a)(2) provides that "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." The decision as to whether to permit an amendment is within the sound discretion of the court. "In the absence of any apparent or declared reason-such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc. – the leave sought should, as the rules require, be 'freely given.'" *Forman v. Davis*, 371 U.S. 178, 182, 83 S.Ct. 227, 230, 9 L.Ed.2d 222 (1962). The Supreme Court has held that a court must find a justifiable reason to deny a request to amend. *Id.* In this case there are no justifiable reasons to deny SSL's motion to amend. In fact, granting the present motion at this early stage in the litigation would permit the parties to resolve all issues between them in a single lawsuit.

Additionally, granting the present motion should have no affect on the subsequent dates contained in the Court's December 18, 2008 Docket Control Order ("DCO"). The DCO permits amended pleadings prior to February 25, 2010. The claim construction hearing in this case is scheduled to be held on May 25, 2011 and jury selection is scheduled to begin on December 5, 2011. SSL will comply with its P.R. 3-1 and 3-2 obligations for the `011 patent within 45 days of the order granting the present motion.

In accordance with Local Rule CV-7(h), counsel for SSL Services contacted counsel for Citrix Systems, Inc. ("CSI") and Citrix Online, LLC ("COL") ("Defendants") to inquire as to

whether Defendants would consent to the present motion. Defendants oppose the present motion.

For the foregoing reasons, SSL respectfully requests that its Motion for Leave to File a Second Amended Complaint be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Albritton", written over a horizontal line.

Eric M. Albritton
Texas State Bar No. 00790215
Lead Attorney
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
(903) 757-8449 (phone)
(903) 758-7397 (fax)
ema@emafirm.com

Gary M. Hoffman
DC Bar No. 141481
Charles D. Ossola
DC Bar No. 295022
Eric Oliver
DC Bar No. 443697
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006
(202) 420-2200 (phone)
(202) 420-2201 (fax)
hoffmang@dicksteinshapiro.com
ossolac@dicksteinshapiro.com
olivere@dicksteinshapiro.com
Counsel for SSL Services, LLC

CERTIFICATE OF CONFERENCE

Plaintiff's counsel conferred with counsel for the defendants, and they are opposed to the relief requested herein.



Eric M. Albritton

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 22nd day of May, 2009.



Eric M. Albritton